



Agenda Date: 2/2/00  
Agenda Date: IV-B

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

**CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF )	<b><u>RENEWAL</u></b>
COMCAST CABLEVISION OF NEW JERSEY, INC.)	<b><u>CERTIFICATE OF APPROVAL</u></b>
FOR A RENEWAL CERTIFICATE OF APPROVAL )	
TO CONTINUE TO OPERATE AND MAINTAIN A )	
CABLE TELEVISION SYSTEM IN AND FOR THE )	
BOROUGH OF NEW PROVIDENCE, COUNTY )	
OF UNION, STATE OF NEW JERSEY )	DOCKET NO. CE99100828

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of New Providence, New Jersey, by Wendi B. Barry, for the Borough.

**BY THE BOARD:**

On December 14, 1978, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 787C-6383, for the construction, operation and maintenance of a cable television system in the Borough of New Providence ("Borough"). On February 2, 1989, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE87070716. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on December 14, 1998, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on March 13, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on September 13, 1999. The Petitioner formally accepted the terms and conditions of the ordinance on September 22, 1999, in accordance with N.J.S.A. 48:5A-24.

On October 21, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.

2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this period to be of reasonable duration.
5. The performance of the Petitioner with regard to the ordinance may be reviewed by the Borough, which shall commence on or about the fifth anniversary of the issuance of this Certificate, and shall be completed no later than six months from that date. The Borough shall provide written notification to the Petitioner and the Board of the commencement and completion of said review. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 60 days. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Borough may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 800 Rahway Avenue in Union.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner completed an upgrade of the cable television system serving the Borough to 750 MHz, using "fiber to the node" architecture as of December 31, 1997.

12. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Borough's ordinance.
13. The Petitioner shall continue to provide one dedicated municipal access channel, currently Channel 35, for use by the Borough and its designees for the purpose of cablecasting non-commercial PEG access programming. The Petitioner shall also provide one system wide local access channel, currently Channel 57. The Petitioner shall continue to maintain the dedicated return line from the Borough High School/Middle School.
14. Within 12 months of the receipt of this Certificate, the Petitioner shall construct and maintain a second dedicated return line from the Borough Municipal Building, for the purpose of originating programming on the local access channel. The Petitioner shall provide the Borough with the ability to switch remotely between the feeds from the Municipal Building and the High School/Middle School. The primary switching unit shall be located in the Municipal Building and the secondary switching unit shall be located at the High School/Middle School. The Petitioner shall provide additional switching capability in the future when it is able to do so.
15. Within six months of receipt of this Certificate, the Petitioner shall provide the Borough a capital contribution in the amount of \$60,000.00 for the purpose of video production equipment, to support access programming, or to be otherwise used as the Borough deems appropriate for cable-related purposes.
16. In addition to the above, the Petitioner maintains studio facilities in Woodbridge Township and Union Township for the creation of local origination and access programming production. The Petitioner maintains a mobile production vehicle, which it shall continue to make available to the Borough for production of access programming. The Petitioner shall also provide training in the use of the equipment and shall designate an employee responsible for taking and addressing comments or complaints regarding the PEG access channels, as well as providing technical assistance.
17. Within 12 months of receipt of this Certificate, the Petitioner shall provide the Borough a state-of-the-art remotely accessible personal computer-based character generator for the use in the creation and distribution of non-commercial community messages on the municipal access channel. The provision of the character generator shall include hardware, software, installation, maintenance and training, at a cost to the Petitioner not to exceed \$5,000.00.
18. The Petitioner shall continue to transmit the signal for Communities on Cable, or its successor agent if it continues to be the Borough's PEG designee, on Channel 36. Within 12 months of receipt of this Certificate, the Petitioner shall provide the Communities on Cable a one-time capital contribution in the amount of \$15,000.00 for video production and cable-related expenses.
19. The Petitioner shall provide the standard installation and expanded basic service of one outlet, free of charge, to the Borough Hall and to each police,

fire, first aid, public library, community center, emergency management facility, and senior citizens' center in the Borough, provided that the facility is within 200' of active cable distribution plant. The Petitioner shall also provide the standard installation and Total Preferred cable service of up to 50 outlets, free of charge, to each public school in the Borough, provided that the school is within 200' of active cable distribution plant. The Petitioner shall also provide the standard installation and Total Preferred cable service of up to ten outlets, free of charge, to each private school in the Borough, provided that the school is within 200' of active cable distribution plant. Each additional outlet installed above shall be paid for by the Borough or school, however, the Petitioner shall waive monthly service charges for additional outlets.

20. The Petitioner shall provide, on a timely basis, one free basic Internet access service, via high-speed modem, to one non-networked personal computer to each public and private school and library in the Borough, provided that the school or library is within 200' of active cable distribution plant. Additional connections to the schools and any connection to municipal buildings or other government facility shall be provided in accordance with the fee schedule outlined in the ordinance.
21. Upon reasonable written request of the Borough, the Petitioner shall meet with the Borough Council or its designees at such times as the Borough Council or its designees request. Upon reasonable written request, the Petitioner shall provide such information as the Borough may request regarding its performance under the terms of the ordinance.

Based upon these findings, the Board HEREBY CONCLUDES pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein, may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on December 14, 2008.

DATED: February 2, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

ATTEST:

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

EDWARD D. BESLOW  
ACTING SECRETARY